

MAERTENS, et al.
Appl. No. 09/851,138
May 12, 2005

REMARKS

Reconsideration is requested.

Responsive to the Examiner's request of August 12, 2005, the applicants note that support for the recitation of at least 60 contiguous nucleotides is found, for example, at page 8, line 3 of the specification.

Claim 63 has been further amended to clarify that the recited complement may not code for an HCV protein.

Claims 1-62 and 64 have been canceled, without prejudice. Claims 66, 67, 68 and 70 have been amended to be dependent from claims 63 or 65. The claims have been amended to obviate the only remaining rejection of record which was to claim 64 and claims 66, 67, 68, 69 and 70, dependent therefrom. Specifically, the Section 112, second paragraph, rejection of claims 64, 66, 67, 68, 69 and 70, will be obviated by the above amendments. Entry of the amendments is requested to place the application in condition for allowance. The amendments do not raise further issues requiring further search and/or consideration. No new matter has been added.

Unamended Claims 63 and 65 have been noted as being in condition for allowance and a Notice of Allowance with regard to the remaining claims 63, 65, 66, 67, 68, 69 and 70, is requested.

As noted above, a first Amendment Under Rule 116 responsive to the Office Action of January 11, 2005 was filed February 9, 2005. The undersigned has not received a response from the Examiner as to whether the Amendment filed February 9, 2005 has been entered. An Advisory Action in response to the Amendment of February 9, 2005 has not been received. The undersigned spoke with the Examiner on March

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30, 2005 and subsequently received telephone messages from the Examiner on March 30, 2005, indicating that the previously-withdrawn Section 102 rejection of claims 63, 64 and 65 over van Doorn (J. Hepatology July 1994, vol. 21(1), pp 122-129) would be made again in a new Office Action which reopened prosecution, and invited the applicants to amend the indicated claims to further distinguish over the cited reference.

A Second Amendment Under Rule 116 was filed April 1, 2005, in response. The Examiner contacted the undersigned on April 12, 2005, indicating that the Second Amendment Under Rule 116 would not be entered and the Examiner suggested the further amendments below to claims 63 and 65 to overcome the van Doorn reference. The amendments are made herein to advance prosecution and without prejudice. The Amendments of February 9, 2005 are repeated herein as the Examiner has not indicated the status of the Amendment of February 9, 2005 in the record.

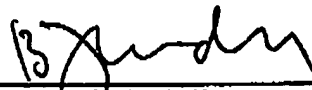
Entry of the present Amendment and allowance of the application are requested.

The Examiner is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


E.J. Sadoff
Reg. No. 36,663

BJS
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100